

REMARKS

This application has been carefully reviewed in light of the Office Action dated June 20, 2008. Claims 1 to 4, 6, 7, 9, 11 to 14, 16, 17, 19 and 20 are pending in the application, of which Claims 1, 6, 7, 9, 11, 16, 17, 19 and 20 are independent. Reconsideration and further examination are respectfully requested.

Initially, Applicants thank the Examiner for the indication that Claims 5 to 7 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The specification was objected to for an informality. The missing parenthesis having been inserted at line 20 of page 16, withdrawal of this objection is respectfully requested.

Claims 11 to 18 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Without conceding the correctness of the Examiner's rejection, Applicants have amended the claims to clarify that they are directed to a "computer-readable storage medium storing a computer program" as suggested by the USPTO's current guidelines regarding computer-related inventions.

Furthermore, the Examiner requested that the claims somehow be re-written to exclude "intangible media such as signals, carrier waves, etc." Applicants note that the claims have been clarified to indicate that they are directed to a computer-readable storage medium storing a computer program. As such, Applicants respectfully submit that the claims will not be construed to read on a signal or carrier wave as neither are used as storage media. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

The claims have been amended in accordance with the Examiner's indication of allowable subject matter. Specifically, all of the features of Claim 5 and any intervening claims

have been added to Claim 1 and Claim 5 has been canceled. In addition, Claims 6 and 7 have been rewritten into independent form including all of the features of any intervening claims. Finally, newly added Claims 19 and 20 are directed to methods corresponding to the apparatuses of Claims 6 and 7, respectively. Accordingly, Applicants submit that the entire application is in condition for allowance and respectfully request same.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Finally, Applicants respectfully request that the Examiner acknowledge receipt of the priority document filed June 15, 2004.

CONCLUSION

Finally, the previous claim count totaled 18 (20 paid-for), with 3 independent claims. The present amendment cancels 4 dependent claims, changes 4 of the previously-dependent claims into independent claims, and adds 2 independent claims, bringing the total claim count to 15, with 9 independent claims. Therefore, the fee difference between the previous claim count and the current claim count is 6 additional independent claims. Accordingly, the Director is hereby authorized to charge \$1,260.00 for additional claims to Deposit Account 50-3939. The Director is further authorized to charge any deficiency in this fee, or to credit any overpayment thereof, to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Frank Cire #42,419/
Frank L. Cire
Attorney for Applicants

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FCHS_WS 2218891v1